UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/22705
15 June 1991

ORIGINAL: ENGLISH

LETTER DATED 13 JUNE 1991 FROM THE CHARGE D'AFFAIRES A.I. OF THE UNITED STATES MISSION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Unified Command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command concerning the maintenance of the Armistice Agreement of 1953 during the period from 1 January to 31 December 1990. This report contains an appendix covering the interception of a North Korean infiltration tunnel in the demilitarized zone (DMZ), the North Korean barrier system in the DMZ, United Nations Command initiatives, and developments on the United Nations Command remains issue for the specified period.

I request that this letter, together with the enclosed report of the United Nations Command and the attached appendix, be circulated as a document of the Security Council.

(Signed) Alexander F. WATSON
Acting United States Representative

Enclosure

Report on the activities of the United Nations Command, 1990

I. UNITED NATIONS COMMAND AND ITS MISSION

1. United Nations Security Council resolution 83 (1950) of 27 June 1950 determined that the armed attack upon the Republic of Korea by the North Korean forces constituted a breach of peace and recommended that "the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area". In order to utilize better the various offers of assistance and to unify the military operations, the Security Council adopted resolution 84 (1950) of 7 July 1950, recommending that Member States make military forces and other assistance available to a unified command under the United States of America. Besides the United States, 15 other States Members of the United Nations subsequently provided military forces to the unified command, which was later named the United Nations Command (UNC). Security Council resolution 84 (1950) also requested that the United States designate the commander of UNC and provide the Security Council with reports as appropriate on the course of action taken under UNC. As a result of prompt and sustained collective action of the United Nations against the North Korean aggression, an armistice has been effected on a basis of United Nations objectives and principles. The Commander-in-Chief, UNC (CINCUNC) signed the 27 July 1953 Korean Armistice Agreement on behalf of all the forces of the 16 States Members of the United Nations and the Republic of Korea, which fought under the United Nations flag. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC successors in command are responsible for compliance with the enforcement of the terms and provisions of the Armistice Agreement. UNC continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement. This includes enforcement of a complete cessation of all hostilities in Korea by all armed forces, and maintaining peace and security on the Korean peninsula until a more durable peace is achieved by the parties directly concerned - South and North Korea. Of the 16 States Members of the United Nations that provided military forces to UNC during the Korean War, eight are still represented in the United Nations Command today. They are Australia, Canada, Colombia, France, the Philippines, Thailand, the United Kingdom and the United States. Officers from these States Members of the United Nations not only participate in the meetings of the Military Armistice Commission (MAC), but also participate in multinational investigations of more serious Armistice violations, such as was the case in the North Korean illegal infiltration tunnel in the demilitarized zone (DMZ), which was intercepted in March 1990. In view of the continued North Korean threat to international peace and stability in the region and significant Armistice-related issues before the Commission, UNC considers it appropriate to submit the present report to the United Nations Security Council as requested by Security Council resolution 84 (1950).

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Korean Armistice Agreement, a purely military agreement between the opposing military commanders, is to ensure a complete cessation of all hostilities in Korea by all armed forces of the opposing sides until an enduring bilateral peace-keeping mechanism is established by the two parts of Korea with an ultimate goal of achieving peaceful reunification of Korea. No individual nation or Government is a signatory to the Armistice Agreement. CINCUNC signed the Armistice Agreement on behalf of the entire military forces under the unified command, consisting of the forces from 16 States Members of the United Nations, as well as the Republic of Korea. The Commanders of the Korean People's Army (KPA) and the Chinese People's Volunteers (CPV) signed the Agreement on behalf of the KPA/CPV forces.

A. Military Armistice Commission

3. The general mission of MAC in Korea, as established in accordance with the Armistice Agreement, is "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement". The Commission is a joint organization and is composed of 10 military members: 5 senior officers from UNC and 5 senior officers from KPA/CPV. CINCUNC has appointed one member from the United States, two from the Republic of Korea, one from the United Kingdom and one designated on a rotational basis from among the other United Nations Member nations represented in UNC by representatives of the rank of Colonel (currently Canada, Colombia, France, the Philippines and Thailand). MAC meetings are held at the request of either side in the Joint Security Area, more commonly known as Panmunjom, in the DMZ. To assist MAC in fulfilling its functions, the Armistice Agreement provides for a joint secretariat to maintain 24-hour telephone communications between the joint duty officers of each side located in the Joint Security Area. The joint duty officers also meet daily, except Sundays and holidays, and serve as the basic channel of communications between the two opposing sides. There have been 458 plenary sessions of MAC and 503 meetings of the MAC Secretaries since the Armistice Agreement was signed. MAC, or the Senior Member of either side, is authorized by paragraph 27 of the Armistice Agreement to dispatch joint observer teams to investigate reported violations of the Armistice Agreement that occur within the DMZ. KPA and CPV, however, have frustrated this important investigative function by refusing to participate in more than 170 joint investigations proposed by UNC since April 1967.

B. Neutral Nations Supervisory Commission

4. The Neutral Nations Supervisory Commission (NNSC), as established in accordance with the Armistice Agreement, is composed of delegations from Sweden, Switzerland, Czechoslovakia and Poland, respectively. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean War. The primary function

of NNSC is to conduct independent inspections and investigations of Armistice-related developments and violations outside the DMZ and to report its findings to MAC. Although its basic mission and function of inspection and investigation has been almost completely curtailed owing to KPA/CPV obstruction, NNSC does provide a useful and stabilizing influence in the Joint Security Area, as well as a means for indirect communication between the two opposing sides of MAC. NNSC holds weekly meetings at Panmunjom.

C. Role of the Republic of Korea

5. A unique feature of the Korean Armistice Agreement is that no nation or Government is a signatory to the Agreement. CINCUNC signed the Armistice Agreement on behalf of the unified command, consisting of the military forces from 16 United Nations Member nations and the Republic of Korea. During the Armistice negotiations and afterwards, at the request of the KPA/CPV side, the Government of the Republic of Korea, through UNC, furnished assurances that it would abide by the Armistice Agreement. Today, the Republic of Korea provides almost all of the "DMZ police" force that maintains security and order in the UNC portion of the DMZ in compliance with the Armistice Agreement. In addition, Republic of Korea senior military officers have served on MAC as UNC members over the last 37 years.

III. UNITED NATIONS COMMAND MILITARY ARMISTICE COMMISSION ACTIVITIES

6. MAC meetings are normally called to discuss serious violations of the Armistice Agreement and other significant Armistice-related issues. These meetings, as well as 24-hour telephone communications facilities between the two sides, serve to prevent further escalation of military tension from accidental incidents and possible misunderstanding. Serious charges of Armistice violations are passed telephonically through the Joint Duty Office at Panmunjom. This provides the other side an opportunity to stop ongoing violations. The Commission is a proven means of essential communication between the opposing military commanders, as demonstrated by its continued use by both sides.

7. Six MAC meetings were held during 1990. The more serious KPA/CPV violations of the Armistice Agreement during the period are set out in the appendix to the present report. Six MAC Secretaries meetings were held during 1990. Five North Korean drowning victims as well as one Republic of Korea drowning victim were returned through six MAC Secretaries meetings. The North Korean side has continued to misuse the MAC as a forum for disseminating distorted political propaganda and for presenting non-Armistice-related political overtures clearly outside the purview of MAC, thereby subverting the true purpose of the Commission and converting it into a propaganda forum.

8. During 1990, KPA/CPV reiterated its usual demand that UNC cease its annual training exercise "Team Spirit", despite the fact that the Armistice

Agreement does not address military training exercises; they also presented political proposals clearly outside the purview of the MAC, such as establishment of a nuclear-free zone in Korea and (North Korea/United States/Republic of Korea) tripartite talks to conclude a peace treaty. However, UNC continued its search for measures, acceptable to both sides, which would help build mutual confidence, thereby easing military tension on the Korean peninsula. The most noteworthy are proposals for mutual prior notification of major military exercises and exchange of observers. UNC has taken unilateral actions in this regard for the past nine years by notifying the North Koreans of its annual training exercise "Team Spirit" and extending the Republic of Korea Government invitations to North Korean and Chinese military officers to come and observe these training exercises. UNC has extended invitations to NNSC members to come and observe these exercises. Unfortunately, the North Koreans rejected these invitations, while expressing their concern that these exercises are offensive in nature and are liable to lead to actual war. (The appendix to the present report discusses in detail more serious KPA/CPV violations of the Armistice Agreement, as well as specific UNC confidence-building measures designed to reduce military tensions.)

IV. CONCLUSIONS

9. For more than 36 years, MAC has served as the only official channel of communication between the opposing military commanders in Korea. Its most positive aspect is that it is still operative and used by the two opposing military commanders to defuse serious incidents, prevent misunderstandings, and avoid the resumption of hostilities in Korea. The opposing military commanders, however, have no mandate to resolve political issues, such as the question of the withdrawal of foreign forces from Korea or turning the Korean Armistice Agreement into a peace treaty. On the other hand, the Republic of Korea and North Korea have yet to make a real breakthrough at the inter-Korea political dialogue in achieving a substantial progress towards a political settlement of the Korean question. None the less, it is these bilateral talks that provide the hope for eventual reunification of Korea through peaceful means. While not involved in the actual dialogue or negotiations, UNC has provided all possible administrative and security assistance to these talks and contacts held in the Joint Security Area, Panmunjom. In the meantime, UNC will continue to perform its important peace-keeping role in the Republic of Korea, particularly in maintaining the Armistice, until an effective and enduring mechanism is established through political dialogue between the two parties directly concerned - the two parts of Korea.

Appendix

Major incidents/issues discussed at the Military Armistice Commission (1 January-31 December 1990)

1. North Korean infiltration tunnel in the DMZ

1. On 3 March 1990, an illegal North Korean infiltration tunnel, the fourth one, constructed across the Military Demarcation Line under the DMZ was intercepted by the UNC/Republic of Korea countershaft at 38 19'10" North latitude and 128 06'50" East longitude. Apparently, the entrance to the tunnel is within the North Korean portion of the DMZ. The tunnel, dug through solid granite, is about 2 metres high and 2 metres wide, and more than 145 metres below the surface. It extends over 1,000 metres into the UNC portion of the DMZ. This is the fourth time that North Korea has been exposed constructing illegal infiltration tunnels under the DMZ, in violation of paragraphs 1, 6, 13a, 14 and 17 of the Armistice Agreement. (Note: for the North Korean infiltration tunnels Nos. 1 and 2 discovered in 1974 and 1975, refer to the 1975 UNC report to the Security Council (S/11861); and for the North Korean infiltration tunnel No. 3 discovered in 1978, refer to the 1979 UNC report to the Security Council (S/13113).)

2. On three separate occasions, UNC proposed that a Joint Observer Team, composed of UNC and Korean People's Army/Chinese People's Volunteers members, jointly investigate the fourth North Korean infiltration tunnel, as provided for by paragraphs 26 and 27 of the Armistice Agreement. UNC proposals for a joint investigation were completely ignored by the North Korean side, however. UNC, at the 455th MAC meeting, on 14 March 1990, charged the North Koreans with this serious violation of the Armistice Agreement, and presented compelling evidence against the North Koreans that had been gathered by a UNC multinational investigative team. The North Korean Senior Member not only refused to conduct a joint investigation of the fourth North Korean infiltration tunnel by a Joint Observer Team - an investigative arm of MAC, but insisted on conducting a unilateral investigation of the North Korean infiltration tunnel by a North Korean "investigation team". The North Koreans know that if a joint investigation of the North Korean infiltration tunnel is conducted by a Joint Observer Team they will have to open up the North Korean portion of the DMZ for reciprocal joint investigations, which will lead to the discovery of the tunnel's entrance. The North Koreans continue to reject a Joint Observer Team investigation of the tunnel.

2. North Korean barrier system in the DMZ

3. At the 453rd meeting of MAC, on 17 January 1990, UNC charged North Korea with constructing an extensive illegal barrier system in the North Korean portion of the DMZ in a gross violation of paragraph 13a of the Armistice Agreement. The existing barrier system stretches more than 140 kilometres throughout the DMZ and incorporates electrified fences, barbed-wire fences, anti-tank barriers and fortified positions. UNC displayed at the meeting many

recent photographs, showing the illegal North Korean barrier system. UNC pointed out a misleading remark made by the North Korean Supreme Commander that "there is no barrier except for barbed wires which mark a boundary" in the North Korean portion of the DMZ. UNC also pointed out that KPA efforts have been to mislead the world public into thinking that the Republic of Korea built the so-called concrete walls in the DMZ to block south-north exchanges. These "concrete-walls" are actually defensive tank barriers, and are well outside the DMZ. They have nothing to do with the Armistice Agreement.

3. United Nations Command initiatives

4. Despite the continuing North Korean threat and their use of MAC for distorted political propaganda purposes, UNC continues to approach meetings of MAC and its subordinate agencies in the positive manner intended by the Armistice Agreement. UNC has proposed a number of confidence-building measures that would assist in reducing military tensions if taken seriously by the North Koreans.

(a) Restoration of the Joint Observer Team function

5. Paragraph 27 of the Korean Armistice Agreement stipulates that: "The Military Armistice Commission or the Senior Member of either side thereof is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement in the Demilitarized Zone ...". Paragraph 24 of the Armistice Agreement stipulates, in part, that the general mission of MAC "shall be to settle through negotiations any violations of this Armistice Agreement". The Joint Observer Teams clearly constitute an investigative arm of MAC. Records of the Commission show that since 1966 UNC proposed the dispatch of Joint Observer Teams on 130 occasions to investigate serious North Korean armistice violations. These violations included armed attacks, intrusions across the Military Demarcation Line, and the construction of illegal infiltration tunnels under the DMZ. On every occasion except one, in 1967, North Korea refused or failed to participate in Joint Observer Team investigations proposed by UNC. For example, North Korea refused to participate in a Joint Observer Team investigation of the fourth illegal North Korean infiltration tunnel discovered in the DMZ on 3 March 1990.

6. Throughout 1990, the Senior Member of UNCMAC addressed important Armistice-related confidence-building measures. They included restoration of the Joint Observer Team to investigate serious Armistice violations, prior notification and observation of exercises, removal of propaganda signs in the DMZ, returning the DMZ to a true buffer zone and establishment of a viable verification system for Armistice compliance in both the DMZ and the Joint Security Area, Panmunjom. At every MAC meeting held during 1990, the Senior Member, UNCMAC repeatedly called upon the North Korean side to take actions to reduce military tension by responding to UNC confidence-building measures as outlined above.

(b) Prior notification of and invitation to observe major training exercises

7. Contrary to North Korean accusations, military training exercises per se are not addressed by the Armistice Agreement and, therefore, cannot constitute a violation of that Agreement. In contrast, however, secret exercises, such as those routinely conducted by North Korea, cause genuine concern. The UNC has repeatedly proposed mutual prior notification of major military training exercises and the exchange of observers to preclude possible misunderstandings. To demonstrate its good faith, UNC provided a prior notification to North Korea on 10 January 1990 that United States/Republic of Korea joint military exercise "Team Spirit 90" would be conducted for about two weeks beginning in mid-March 1990. At the same time, the Government of the Republic of Korea invited North Korean and Chinese military representatives to come and observe the exercise for themselves, to illustrate that it does not pose a threat to North Korea or heighten tensions on the Korean peninsula. At the same time the Senior Member of UNCMAC invited the NNSC members to come and observe the exercise. At the 453rd MAC meeting, on 17 January 1990, UNC referred to Republic of Korea President Roh's 10 January 1990 speech about reducing the scale of the exercise Team Spirit-90 and inviting North Korean and Chinese observers as well as the four members of NNSC to come and observe the exercise. UNC pointed out that military forces throughout the world regularly conduct training exercises. UNC displayed a chart showing North Korean exercises as well as joint North Korea-Union of Soviet Socialist Republics exercises, and again reminded them that there is nothing in the Armistice Agreement about training exercises and, furthermore, that the UNC annual training exercise "Team Spirit", being conducted for the fifteenth consecutive year, well south of the DMZ, poses absolutely no threat to North Korea. North Korea again rejected the Republic of Korean Government invitation to come and observe the training exercise. North Korea's continued military build-up, forward deployment of offensively oriented forces, and secret major military manoeuvres all directed against the Republic of Korea, cause serious concern that North Korea may be preparing for another act of armed aggression - all of which serves to make the United States and the Republic of Korean training exercise even more important as a deterrent to war.

(c) Joint Security Area (Panmunjom) security negotiations

8. Since November 1987, MAC Secretary-level informal staff officer talks have been conducted as a means to facilitate discussions and search for ways to improve security arrangements in the Joint Security Area, Panmunjom. Four such meetings were held during 1990, with the last session on 6 September 1990. These sessions have focused on four items that both sides have agreed to try to implement: eliminating all military facilities and guard posts from the Joint Security Area; removing heavy and automatic weapons from the Joint Security Area; reducing, disarming and controlling the guard forces; and inspections and verifications. So far, North Korean intransigence on an inspection and verification system has stymied progress. These informal discussions are expected to continue.

4. UNC remains issue

9. Paragraph 20 of the "Understanding" on the return of Korean War military remains - a 1954 subsequent agreement - stipulates "in the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of MAC". Each side is, therefore, legally obligated to return all military remains that are discovered in accordance with the agreement.

10. Although North Korea publicly admitted that it had the remains of several UNC (United States) soldiers in its possession, it did not deliver these remains through the Secretaries of MAC, in complete disregard of its obligations under the subsequent agreement cited above. UNC has maintained that the return of the UNC Korean War remains is not only required by the Armistice Agreement, but also is a humanitarian act on the part of North Korea.

11. Then, on 28 May 1990, a Democratic People's Republic of Korea Supreme Assembly delegation returned several sets of United States Korean War remains and effects to a United States congressional delegation in the Joint Security Area, Panmunjom. North Korea has been pressing for United States/Democratic People's Republic of Korea contacts on the United States remains issue for some time. North Korea is not interested in returning remains via MAC, but, rather, in using United States remains to increase its political contacts in the United States.